

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ADLEY SHEPHERD, an individual,

Plaintiff,

v.

CITY OF SEATTLE, a Washington
Municipality; and the SEATTLE POLICE
DEPARTMENT,

Defendants.

NO. 2:22-CV-00019-SAB

**JURY TRIAL SCHEDULING
ORDER**

**JURY TRIAL SCHEDULED FOR
MARCH 6, 2023**

A telephonic scheduling conference was held in this matter on March 15, 2022. Joseph Creed appeared on behalf of Plaintiff, and Sarah Tilstra appeared on behalf of Defendants.

The Court has reviewed the parties' Joint Status Certificate, ECF No. 9, has heard from counsel, is fully informed, and orders the following schedule for jury trial in this matter.

Accordingly, **IT IS ORDERED:**

PROFESSIONALISM AND COURT-ASSISTED MEDIATION

1. Civility and Professional Conduct. Counsel should review and employ Local Rule 83.1 (Civility) and Washington Rule of Professional Conduct 3.4 (Fairness to Opposing Party and Counsel).

2. Scheduling Order is Binding. Rule 16(f) of the Federal Rules of Civil Procedure provides for sanctions for failure to obey the Scheduling Order. The Court will usually accept stipulations to modify the dates specified in this Order, but modifications of pretrial deadlines may also result in a modification of the trial date.

3. Settlement Conference/Mediation. The parties are encouraged to engage in settlement negotiations as early as possible and should contact the Court if they believe a settlement conference would be helpful. The Court will require parties to engage in mediation prior to trial, unless good cause is shown that mediation is not possible or will be unproductive.

TRIAL DATES

4. Jury Trial. The jury trial shall commence on **March 6, 2023**, at **9:00 a.m.** in **SEATTLE**, Washington. Counsel estimates a trial length of ten days.

5. Pretrial Conference. An in-person pretrial conference will be held on **February 21, 2023, at 9:00 a.m. in SEATTLE, Washington.**

DISCOVERY DEADLINES

6. Initial Disclosures. The parties shall disclose their Fed. R. Civ. P. 26(a)(1) material no later than **March 25, 2022**. These initial disclosures shall not be filed with the Court.

7. Expert Disclosures.

A. Initial Expert Disclosures. Each Party shall identify its experts and serve written reports as required by Rule 26(a)(2) on all other parties no later than **July 19, 2022**. Each Party shall also provide dates for which those experts can be available for deposition.

B. *Rebuttal Expert Disclosures.* Each Party shall identify its rebuttal experts and serve written reports as required by Rule 26(a)(2) on all other parties no later than **August 18, 2022**. Each Party shall also provide dates for which those experts can be available for deposition.

1 *C. Modifications.* The parties may modify the deadline for exchange of
 2 expert disclosures by joint stipulation filed with the court; a motion is not required.

3 **8. Discovery.**

4 *A. Discovery Limitations.*

5 i. *Depositions.* No more than ten depositions, each limited to seven
 6 hours in one day, may be taken by the plaintiffs, defendants, or third-party
 7 defendants without leave of the Court. Fed. R. Civ. P. 30(a)(2), (d)(1).

8 ii. *Interrogatories.* No party may serve more than twenty-five
 9 interrogatories, including discrete subparts, on any other party, without leave of the
 10 Court. Fed. R. Civ. P. 33(a)(1).

11 iii. *Requests for Production.* No party may serve more than thirty
 12 requests on any other party without leave of the Court.

13 *B. Discovery Deadline.* All discovery shall be completed on or before
 14 **October 17, 2022.**

15 *C. Responses.* To be timely, discovery requests must be served sufficiently
 16 in advance of the deadline to allow for timely response by the cutoff date.

17 *D. Necessity.* The parties shall file no discovery except as necessary to
 18 support motions or objections.

19 *E. Discovery Conferences.* To avoid wasted time and expense, Counsel may
 20 contact chambers to schedule a telephonic conference to obtain an expedited ruling
 21 on discovery disputes. Prior to the conference, each party may submit to the Court
 22 a one-page summary explaining the discovery dispute.

23 **MOTION DEADLINES**

24 **9. Motions to Amend Pleadings or Add Parties.** Any motion to amend
 25 the pleadings or add named parties shall be filed and served by **August 8, 2022.**

26 **10. Daubert Motion Deadline.** Challenges to the admissibility of expert
 27 opinion testimony shall be made by written motion and filed by **August 26, 2022.**
 28 If the party challenging expert testimony anticipates that an evidentiary hearing

1 shall be required, the party shall so advise the Court and opposing counsel in
2 conjunction with the filing of its motions.

3 **11. Dispositive Motions.** All dispositive motions shall be filed and served
4 on or before **October 25, 2022**.

5 **12. Motions *in Limine*.**

6 A. *Motions in Limine*: shall be filed and served on or before **January 23,**
7 **2023.**

8 B. *Responses*: shall be filed and served on or before **January 30, 2023.**

9 C. *Replies*: shall be filed and served on or before **February 6, 2023.**

10 D. *Notation*: *Motions in limine* shall be noted for hearing at the pretrial
11 conference.

12 **TRIAL PREPARATION DEADLINES**

13 **13. Exhibit and Witness Lists.**

14 A. *Exhibit Lists and Witness Lists*: shall be filed and served and exhibits
15 made available for inspection (or copies provided), on or before **January 30, 2023.**

16 B. *Identification*: The witness list shall include identification of each
17 witness's testimony.

18 C. *Notation of Exhibits*: Where feasible, all exhibits identified in depositions
19 shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's
20 trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be
21 numbered 200 and following.

22 D. *Objections*: Objections to the opposing party's witness list or exhibit list
23 and any accompanying briefs shall be filed and served on or before **February 6,**
24 **2023.**

25 E. *Responses*: Responses, if any, to objections shall be filed and served on or
26 before **February 13, 2023.**

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1 **14. Pretrial Exhibit Stipulation.**

2 A. *Stipulation*: The parties shall prepare a pretrial exhibit stipulation that
3 shall contain each party's numbered list of all trial exhibits with the opposing
4 party's objections to each exhibit, including the basis of the objection and the
5 offering party's brief response. All exhibits to which there is no objection shall be
6 deemed admitted, subject to any objections at trial that could not be raised in
7 advance.

8 B. *Deadline*: The pretrial exhibit stipulation shall be filed on **February 13,**
9 **2023.**

10 C. Objections to witness and exhibits shall be heard at the pretrial
11 conference.

12 **15. Designation of Testimony.**

13 The parties shall notify the Court on or before **January 20, 2023** whether
14 deposition testimony will be used at trial. The Court will then schedule a hearing to
15 review all designated testimony and objections so that a final edited version of the
16 deposition testimony can be prepared for trial.

17 **16. Pretrial Order.**

18 A. *Deadline*: A joint Pretrial Order, prepared in accordance with the format
19 provided in Local Rule 16.1(e), shall be filed on or before **February 13, 2023** and
20 a copy e-mailed in Word format to the Court at
21 BastianOrders@waed.uscourts.gov.

22 B. *Consistency*: The list of exhibits contained in the joint Pretrial Order shall
23 reflect the exhibit marking scheme described above in paragraph 13(C).

24 C. *Duplicative Exhibits*: In preparing the joint Pretrial Order, the parties
25 shall confer regarding duplicate exhibits and determine which party will submit
26 such exhibits for trial.

27 **17. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall
28 be filed by **February 9, 2023.**

18. Jury Instructions. No later than **February 9, 2023**, the parties shall file jointly proposed jury instructions.

A. *Confer*. The parties shall confer regarding jury instructions and file jointly proposed jury instructions and a table of proposed Jury Instructions. The jointly proposed Jury Instructions should address only issues that are unique to this case and shall include instructions regarding the elements of each claim, any necessary definitions, and a proposed verdict form.

B. *Modifications*. If any proposed instruction is a modified version of model instructions or deviate from model instructions, the parties shall identify the modification and cite legal authority for the modification.

19. Submissions on the First Day of Trial. The Court requires that the following be submitted to the courtroom deputy clerk on the first day of trial:

A. *Exhibits.* Exhibits for presentation at the trial in tabbed binders indexed by exhibit number with exhibit tags placed consistently on the bottom right corner of each exhibit. Counsel shall submit to the Court an original binder and two copied binders of their exhibits together with three discs or flash drives containing the same.

B. *Exhibit List.* One copy of a final joint exhibit list.

C. *Witness List*. One copy of witness lists in the order in which the witnesses are expected to be called to testify.

MODIFICATIONS

20. Good Cause. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this schedule shall not be modified unless the Court finds good cause to grant leave for modifications.

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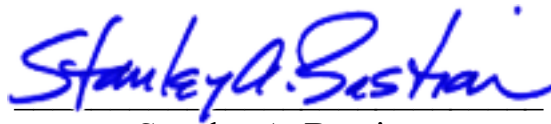
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DISMISSAL OF DOE PLAINTIFFS

21. The Court **dismisses** Defendant Does 1-10 **without prejudice**. *See Gillespie v. Civiletti*, 629 F.2d 637, 642-43 (9th Cir. 1980) (noting that “doe” pleadings are generally disfavored in the federal courts).

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 15th day of March 2022.



Stanley A. Bastian
U.S. District Court